

1
2 UNITED STATES DISTRICT COURT
3 EASTERN DISTRICT OF NEW YORK

4 -----x
5 JUNIOR WALKER and TAHERA BULLEN-WALKER, on behalf
6 of themselves and on behalf of their infant
7 children T.W. and N.W.,

8 Plaintiffs,

9 - against -

10 THE CITY OF NEW YORK, STACEY ROBINSON, Caseworker,
11 New York City Administration of Children's Services,
12 in her individual and official capacities, GLADYS
13 WHITE, Supervisor, New York City Administration of
14 Children's Services, in her individual and
15 official capacities, JACQUELINE MCKNIGHT,
16 Assistant Commissioner-Brooklyn, New York City
17 Administration of Children's Services, in her
18 individual and official capacities, SHARON ROGERS,
19 Deputy Director for Brooklyn Field Office,
20 Zone E, New York City Administration of Children's
21 Services, in her individual and official capacities,
22 BURTON LEWIS, Supervisor, New York City
23 Administration of Children's Services, in his
24 individual and official capacities, KAREN
25 SAWYER-BARRO, Supervisor, New York City
Administration of Children's Services, in her
individual and official capacities, NATARSKY
LOUISSAINT, Caseworker, New York City
Administration of Children's Services, in her
individual and official capacities, and JOHN
MATTINGLY, former Commissioner of the New York
City Administration of Children's Services, in his
individual and official capacities,

Defendants.

Civil Action No.: 12-CV-2545 (WFK) (MDG)

-----x

April 14, 2014

(Continued.)

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-----x
100 Church Street
New York, New York

April 14, 2014
10:24 a.m.

Deposition of the Defendant SHARON
ROGERS, pursuant to Notice, before Erika
Gunther, RPR, a Notary Public of the State of
New York.

A P P E A R A N C E S:

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BY: KATHY A. POLIAS, ESQ.

- and -

GEORGIA E. MCCARTHY, PLLC

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NEW YORK CITY LAW DEPARTMENT OFFICE OF THE
CORPORATION COUNSEL

Attorneys for Defendants

100 Church Street

New York, New York 10007

BY: CHARLES CAREY, ESQ.

1
2 IT IS HEREBY STIPULATED AND
3 AGREED by and between the attorneys
4 for the respective parties herein,
5 that the filing, sealing and
6 certification of the within deposition
7 be waived.

8 IT IS FURTHER STIPULATED AND
9 AGREED that all objections, except
10 as to the form of the question,
11 shall be reserved to the time of the
12 trial.

13 IT IS FURTHER STIPULATED AND
14 AGREED that the within deposition
15 may be sworn to and signed before
16 any officer authorized to administer an
17 oath with the same force and effect as
18 if signed and sworn to before the
19 Court.

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25

1
2 S H A R O N R O G E R S, called as a
3 witness, having been duly sworn by a
4 Notary Public, was examined and
5 testified as follows:

6 EXAMINATION BY

7 MS. POLIAS:

8 Q. Please state your full name for
9 the record.

10 A. Sharon Rogers.

11 Q. What is your address?

12 A. [REDACTED]
13 [REDACTED].

14 Q. Good morning, Ms. Rogers.

15 A. Good morning.

16 Q. My name is Kathy Polias. I'm
17 representing plaintiffs Junior Walker and
18 Tahera Bullen-Walker in a case that's
19 currently pending in the Eastern District of
20 New York - it's a federal case - against the
21 City of New York and some of its employees.
22 You're included among those employees.

23 This morning I'm going to be
24 asking you some questions regarding the claims
25 in our -- our claims in this action as well as

Rogers

Q. Was physical abuse one of the circumstances under which the ACS caseworker or supervisor would call the IRT coordinator?

A. Yes. It falls under IRT as well, marks and bruises.

Q. Okay.
Are you familiar with the Walker family?

A. No.

Q. Prior to this lawsuit being brought, had you ever heard about any of the Walkers?

A. Not that I recall, no.

Q. Okay.
Before this lawsuit was brought --

MS. POLIAS: Withdrawn.

Q. Do you know a person by the name of Gladys White?

A. Yes.

Q. Who is Gladys White?

A. She's retired. She used to be a supervisor with ACS.

Q. Did she have the title of

Rogers

Supervisor II when you were in the Grant Square office?

A. Yes.

Q. Did she supervise a protective diagnostic unit?

A. Yes.

Q. Do you recall her ever discussing the case about -- the case that this lawsuit is about with you?

A. No.

Q. Do you recall anyone else in the office ever discussing the case that this lawsuit is about with you?

A. No.

Q. Do you know a person by the name of Stacey Robinson?

A. Yes.

Q. Was Stacey Robinson a caseworker in the Grant Square office when you were there?

A. Yes.

Q. Did she work in Gladys White's unit?

A. Yes.

Rogers

Q. Do you recall her saying anything to you about this case before --

MR. CAREY: Objection. I'm sorry.

Q. -- before this lawsuit was brought?

MR. CAREY: Objection. You can answer.

A. I don't recall.

Q. Do you recall -- do you know a person by the name of Junior Walker?

A. No.

Q. Do you recall ever speaking on the phone to a person by the name of Junior Walker?

A. No.

Q. When you were in the Grant Square office in 2008 and 2009; is that correct?

A. Yes.

Q. During that time do you recall Gladys White ever approaching you about any problems that she was having in any one of her cases?

A. That's like -- for me I walk the

1 Rogers

2 floors. People talk to me. No, I don't
3 recall.

4 Q. Do you recall Stacey Robinson
5 ever approaching you about any problems that
6 she was having in any one of her cases?

7 A. Like I said, when I walk the
8 floors I talk to staff. I don't recall a
9 particular case name, no.

10 Q. Okay.

11 Do you recall any particular case
12 names with regard to discussions that you had
13 with Karen Sawyer-Barro?

14 A. No.

15 Q. When you were in the Grant Square
16 office, did you play any role in the family
17 meeting?

18 A. I don't understand that question.

19 Q. You testified that when you were
20 in the Grant Square office something called
21 family meetings were held.

22 A. Right.

23 Q. Did you play any role in those
24 family meetings?

25 A. No.

Rogers

Q. Okay.

When you were in the Grant Square office, before a child safety conference was held, was the manager -- was the approval of the manager to hold the conference required?

A. Yes.

Q. Who requested the approval of the manager?

A. No one requested it. It's usually standard. The manager reads off on it and forwards the request for the conference.

Q. Forwards the request to who?

A. To the child evaluation specialist.

Q. Okay.

Could the caseworker or supervisor tell the manager that they believe that --

MS. POLIAS: Withdrawn.

Q. Are you saying that the holding of a child safety conference had to be at the initiative of the manager?

A. No. We talked about approval.

Q. Okay.

Rogers

If the caseworker or supervisor wanted to hold a child safety conference, they had to get the manager's approval; is that correct?

A. They discussed the case with the manager to make sure that they had enough to move forward with a child safety conference and that they were clear in terms of what they needed to address.

Q. Okay.

Did they have to submit any forms or documents to the manager in order to hold the child safety conference?

A. The request form goes to the manager for review, as well as to the child evaluation specialist.

Q. Okay.

What was the manager required to review the request form for?

A. A discussion with the staff to make sure that they were clear and make sure they were headed in the right direction.

Q. Okay.

A child safety conference could

Rogers

only be held when there were safety concerns;
is that correct?

A. Yes.

Q. Okay.

That was the case in 2009 when
you were in the Grant Square office?

A. Yes.

Q. Would the manager approve --
before forwarding the form or the request to
the child evaluation specialist, would the
manager have to approve the holding of a child
safety conference?

A. They have the preconference to
discuss it, and then it is submitted and
forwarded to the child evaluation specialist.

Q. Who fills out the initial child
safety conference form?

A. The supervisor or the worker.

Q. It's a request form; is that
correct?

A. Right.

Q. The request was directed to the
manager; is that correct?

A. The form is submitted to the

Rogers

manager for review and discussion and
preconference.

Q. Okay.

Could the manager deny the
request for the child safety conference?

A. Yes.

Q. If the manager forwarded the
paperwork to the child evaluation specialist,
did that mean that the manager had approved
the holding of a child safety conference?

A. Yes.

Q. What did the child evaluation
specialist do?

A. Facilitate the conference.

Q. As far as you're aware when you
were in the Grant Square office, what steps
did the child evaluation specialist take to
facilitate the conference?

A. They facilitate the conference
with the family and the worker in the room and
just go through the six stages of the
conference and the discussion.

Q. What were the stages of the
conference?

Rogers

A. I don't recall.

Q. Okay.

Were there any steps that the child evaluation specialist was required to take prior to holding the conference?

A. Just a discussion with the team in terms of who is going to be present, things like that, review of the form and discussion in terms of that.

Q. Were there any circumstances under which you were present at child safety conferences in the Grant Square office?

A. Yes.

Q. What circumstances were those?

A. Usually if they have a problem with the decision I'm called in because they're stuck at a decision and can't come to a consensus or usually if it's a high-profile case and they need me to sit in. Usually it depends.

Q. Is it correct that -- at the time did your --

MS. POLIAS: Withdrawn.

Q. At the time you were in the Grant

Rogers

Square office, ACS had a legal unit; is that correct?

A. We still have a legal unit. I don't understand.

Q. Okay.

Do you have a unit called the legal services unit?

A. Yes.

Q. Okay.

Is that unit composed of attorneys?

A. Not in the office. Is that what you're asking me?

Q. No, I'm asking in all of ACS.

A. Yes.

Q. As far as you know, are those attorneys responsible for filing Article 10 petitions?

A. Yes.

Q. Are those attorneys responsible for prosecuting Article 10 petitions?

A. Yes.

Q. When you were in the Grant Square office, did your office in any way notify the

Rogers

1 legal services unit before you held a child
2 safety conference?

3 A. Sometimes they sent them
4 notification. They get a copy of the request
5 form in terms of, We're holding a conference
6 on this family today. Just basically give
7 them a heads-up in terms of volume, what our
8 day looks like in terms of planning.

9 Q. Okay.

10 Why did you notify them before
11 the child safety conference?

12 A. Planning.

13 Q. Okay.

14 Was the reason why you notified
15 them so that if the outcome -- the outcome of
16 the conference was court intervention, the
17 legal services unit would be ready to go
18 forward with that?

19 A. Expectation in terms of the
20 volume, because, you know, with the volume for
21 the borough with seven different sites, they
22 need to have an -- I guess an estimate in
23 terms of what their day may look like and who
24 to expect around what time, so we notify them
25

Rogers

at the beginning of the day how many we're having and when they end and what the outcome is so that they have -- you know, they're ready to handle the volume if everyone is coming to court. Planning.

Q. Okay.

When you were in the Grant Square office, if you were not sitting in on the child safety conference were the people involved in the child safety conference required to get your approval or permission before pursuing a certain outcome?

A. No, only on -- I'm sorry, Child Safety Alert 14 was the only cases.

Q. Child Safety Alert 14s, what are those?

A. Newborns born to parents with children in foster care.

Q. When you were in the Grant Square office, if a supervisor was going to pursue -- if a supervisor and/or caseworker were going to pursue a removal of a child, they did not have to get your permission?

A. No. The outcome comes from a

Rogers

child safety conference.

Q. Was a child safety conference always required before removal was done?

A. If there was an emergency removal, no.

Q. Okay.

A. Other than that, yes.

Q. Okay.

Were there any circumstances besides Child Safety Alert 14s where the people involved in the child safety conference had to get your approval before pursuing a certain course of action?

A. As I stated earlier, only when they can't reach a consensus am I notified to help them come up with a decision.

Q. Okay.

A. Other than that, no.

Q. Okay.

I'm going to show you some documents, Ms. Rogers.

MS. POLIAS: I've marked this before, but I'd like to mark it again. Could you mark this Plaintiffs'

Rogers

Exhibit 1.

(Plaintiffs' Exhibit 1,
Investigation Progress Notes, marked for
identification.)

Q. Ms. Rogers, this is a 20-page
exhibit with a title, "Investigation Progress
Notes." I'd like you to take a cursory look
through it.

Ms. Rogers, do you recognize this
format as being entries into Connections?

A. Yes.

Q. Before this lawsuit was brought,
do you recall seeing any of the entries that
are comprised in Exhibit 1?

A. No.

Q. You can put that aside.
Actually, you can give it back to me. Thank
you.

When you were in the Grant Square
office, did you have any -- did you play any
role in Article 10 proceedings that were
brought by your office?

A. I'm not sure what you mean.

Q. Okay.

Rogers

When you were in the Grant Square office, your office was involved in initiating Article 10 proceedings; is that correct?

A. Yes.

Q. Did you play any role in the initiation of the Article 10 proceeding?

A. The child safety conference is the venue that the court proceedings come from, not from me.

Q. Okay.

Did you play any role in the actual proceeding, the actual proceeding in court?

A. No.

Q. Can you ever go to court --

MS. POLIAS: Withdrawn.

Q. As a deputy director of operations for any office, have you ever gone to court for any Article 10 proceeding?

A. No.

Q. When you were in the Grant Square office, if a case progressed to an Article 10 proceeding, was the caseworker on the case required to attend all the court appearances?

Rogers

A. Yes.

Q. Was the caseworker's supervisor required to attend all the court appearances?

A. No.

Q. Under what circumstances was the supervisor required to attend a court appearance?

A. If the judge requested it.

Q. Okay.

Were there any circumstances under which you were required to attend the court appearances?

A. If the judge requested.

Q. During your tenure as deputy director of operations of any office, have you ever been called as a witness in a family court proceeding?

A. No.

Q. Prior to being deputy director of operations, what position did you hold?

A. Child protective manager.

Q. What office did you hold that position in?

A. 1274 Bedford, 2554 Linden

Rogers

Boulevard.

Q. Okay.

Did you hold any other positions in the Grant Square office besides deputy director of operations?

A. No.

Q. Have you ever held the position of Supervisor II?

A. Yes.

Q. Okay.

What about Supervisor I?

A. Yes.

Q. And caseworker as well; is that correct?

A. Yes.

Q. How many years were you a caseworker?

A. Oh, my God, about three years.

Q. Okay.

A. A long time.

Q. During your tenure at ACS or during your employment with ACS, have you ever seen a mark on a child that was caused by a belt?

Rogers

A. It's been so long. Yes.

Q. As far as you knew, was it caused by the buckle of the belt or the strap of the belt?

A. I've seen both.

Q. Okay.

On how many occasions have you seen a mark caused by a belt on a child?

A. I can't -- I don't recall exact numbers.

Q. Did you only see such marks when you were a caseworker, or have you seen them when you were in other titles as well?

A. Other titles as well.

Q. Did you see any such marks when you were the deputy director of operations?

A. Yes.

Q. You've been deputy director of operations for about seven years?

A. Yes.

Q. According to the knowledge and experience that you've obtained while you've been at ACS, has hitting a child with a belt always caused a mark?

Rogers

A. Marks, bruises, it varies.

Q. Did you receive any training or instruction at any point on what a mark caused by a belt buckle looks like?

A. We have medical consultants. We consult usually with our medical consultants or doctor to help us understand a mark because we're not experts in that field, so we have medical consultants on site, and we consult usually with a doctor, an expert.

Q. Okay.

Have you ever received yourself any training in what a mark caused by a belt buckle or belt strap would look like?

A. Again, we usually consult with the medical experts or someone who is an expert in that field to help us understand what that mark is and where it came from -- possibilities in terms of where it may come from.

Q. Under what circumstances would you consult with a medical expert or consultant?

A. Usually if we're not sure, if the

Rogers

1
2 explanation is not consistent with the injury
3 or we just need clarity in terms or what it
4 is, how serious it is, things like that, and
5 if it needs a medical follow up.

6 Q. Okay.

7 Are those the circumstances under
8 which you would seek a medical consultant or a
9 medical expert's assistance under ACS policy?

10 A. That's just some of them.

11 Q. Okay.

12 Are these medical experts or
13 medical consultants employed by the City of
14 New York?

15 A. Yes.

16 Q. Do they actually work within ACS?

17 A. Yes.

18 Q. Where are they located?

19 A. Different offices. Each borough
20 has a certain amount at different sites.

21 Q. Did you have any at your site in
22 Grant Square?

23 A. She -- we shared one between
24 another site and our site.

25 Q. What was her name?

Rogers

A. I don't recall.

Q. Was she a physician?

A. No, nurse practitioners.

Q. When you were at the Grant Square office, where were children who had just been removed taken by the caseworkers?

A. Usually to the nursery to see the nurse to get a medical clearance.

Q. Okay.

Where was that nursery located?

A. It's at 2554 Linden Boulevard.

Q. Do you know a person by the name of Geneva White who is a nurse?

A. I don't know the nurse's name.

Q. Is the location of 2554 Linden Boulevard part of ACS?

A. Yes, it is.

Q. What did the caseworker do after getting the medical clearance at 2554 Linden Boulevard?

A. The child goes to placement once medically cleared.

Q. Okay.

Were there any facilities at that

Rogers

location where the child could stay temporarily?

A. Yes, the nursery.

Q. Okay.

There are beds in the nursery?

A. No. This is a nursery -- cribs, maybe, but not beds. TV, play area for the children to wait.

Q. What did the caseworker do in order to place the child when you were in the Grant Square office?

A. I'm not sure what you mean.

Q. What did the caseworker do with the child after taking him or her to the nursery?

A. They're medically cleared. If there's a need to seek immediate medical treatment by a doctor they're taken to the hospital. If not, the worker and the child evaluation specialist usually submits all the documents to our office of placement who seeks out a placement. Once they find a placement, they call the worker back. The worker takes the child to that particular placement.

Rogers

Q. Did that office work with any agencies to be able to get a placement?

A. Yes. That's their job.

Q. Are you familiar with the Little Flower agency?

A. Yes.

Q. Was that one of the agencies that that office worked with?

A. Yes.

Q. Okay.

Are you familiar with the term kinship source?

A. Yes.

Q. Okay.

What is a kinship source?

A. Usually a resource, can be a family member or kin, as a support for the child to avoid nonkinship, nonfamilial placements.

Q. Okay.

When you were in the Grant Square office, according to your understanding of the ACS policy, was the caseworker required to assess whether there were any kinship sources

Rogers

where the child could say?

A. Yes.

Q. How would the caseworker do that?

A. Speak to the family.

Q. Okay.

Was the office of child placement involved even if there was a kinship source that the children could stay with?

A. If that resource is going to be a foster parent.

Q. Okay.

"Foster parent" meaning someone not in the family?

A. No, foster parent is kin. Kinship is foster parent, but it's a relative.

Q. Okay.

Did the office of child placement actually make the arrangements with the kinship source to have the children placed with them?

A. No. Usually the office of placement connects that family member to a foster care agency who comes out and certifies the home.

Rogers

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Q. Okay.

That's the process even if there's a kinship source; is that correct?

A. It's handled, right, a little differently than regular foster -- nonfamily foster care, but it's the same process in terms of certification.

Q. The foster agency was the one to actually contact the kinship source; is that correct?

A. Right -- no, we contact them initially, but they follow up afterwards.

Q. Okay.

How long did that process normally take?

A. Which process?

Q. The process of contacting and placing the children with the kinship source?

A. That can happen immediately, or it can happen a few days down the line.

Q. Where did the children stay in the meantime if it happened a few days down the line?

A. With nonkinship in foster care.

Rogers

Q. Okay.

Ms. Rogers, I'm putting before you what's been previously marked as Plaintiffs' Exhibit 3 as of December 10, 2013.

A. She doesn't get it first (indicating).

Q. No, because this is already marked.

MS. POLIAS: I'm sorry, Charles, this has writing on the back.

MR. CAREY: That's okay. Thank you.

Q. If you could take a look through the pages. It's a six-page document entitled "Office of Children and Family Services Child Protective Services Intake Report" Bates stamped JW419 to JW424.

Ms. Rogers, do you recognize this document?

A. Yes.

Q. Did you ever see this document before this lawsuit was brought?

A. Not that I recall.

Q. You only viewed this document

1 Rogers

2 after this lawsuit had already been filed?

3 A. As far as I recall, yes.

4 Q. You can put that aside.

5 MS. POLIAS: If you can mark this
6 as Plaintiffs' Exhibit 2, please.

7 (Plaintiffs' Exhibit 2, Letter
8 dated June 28, 2010, marked for
9 identification.)

10 Q. Please take a moment, Ms. Rogers,
11 and look through this document. It's a
12 two-page document Bates numbered by the
13 plaintiff 0445 to 0446. It's dated June 28,
14 2010, and it's a letter.

15 Ms. Rogers, do you recognize
16 Plaintiffs' Exhibit 2 marked as of today?

17 A. No.

18 Q. Do you recall ever seeing it?

19 A. I don't recall.

20 Q. Okay.

21 When you were in the Grant Square
22 office, was there anybody in the office
23 responsible for receiving the mail?

24 A. Yes.

25 Q. Who was responsible for that?

-----I N D E X-----

WITNESS	EXAMINATION BY	PAGE
SHARON ROGERS	MS. POLIAS	5

-----EXHIBITS-----

PLAINTIFFS' FOR I.D.

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(Counsel retained exhibits.)

